

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. Reconsideration of the subject patent application in view of the present remarks is respectfully requested.

Claims 1 and 5 are amended.

New claims 13-14 are added.

Claim Rejections - 35 USC § 103

Claims 1-5 and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tagawa et al. (US 2002/004538; hereinafter “Tagawa”) in view of Dean et al (6,771,323; hereinafter “Dean”).

Regarding the amended claims 1 and 5, neither Tagawa nor Dean, alone or in combination, discloses, teaches or renders foreseeable that a change of the superposition of the output of the reproducing unit and the output of the informing unit in time series is made based on the selected reproducing procedure.

The Office action states that Tagawa discloses in paragraph [0129] that the reproduction sound of music data is faded out and the ring tone is faded in at the same timings t1 and t2 of starting and finishing thereof, the reproduction sound of music data can be faded out and the ring tone is faded in at a different timings. This disclosure merely indicates that the timing of fading out the reproduction sound of music data and fading in the ring tone can be either the same or different. This disclosure is nothing to do with a change of the superposition of the output of the

reproducing unit and the output of the informing unit based on the selected reproducing procedure.

The Office action also states that Tagawa also discloses in paragraph [0127] that the sound volume transition changes of music reproduction and the ring tone with respect to time. However, there is no disclosure in Tagawa that the sound volume transition changes are made based on the selected reproducing procedure.

The Office action further states that in paragraph [0126] Tagawa discusses reproducing procedure involving selecting the music data specified by the user. However, there is no disclosure in Tagawa that the reproducing procedure is a basis for a change of the superposition of the output of the reproducing unit and the output of the informing unit in time series.

Accordingly, the combination of Tagawa and Dean does not meet all of the limitations of claim 1 or 5. Therefore, the asserted combination of Tagawa and Dean does not render claims 1 and 5 obvious. Thus, withdrawal of the rejection as it applies to claims 1 and 5 is respectfully requested.

Claims 2-4 and 9-10 which are dependent from claim 1 should also be allowable for at least the same reason.

Claims 7-8 and 11-12 which are dependent from claim 5 should also be allowable for at least the same reason.

In addition, regarding claims 9 and 11, neither Tagawa nor Dean, alone or in combination, discloses, teaches or renders foreseeable that the meta information contains type of the contents being reproduced. Tagawa does not disclose the above feature, since Tagawa fails

to disclose the reproducing procedure is selected based on meta information extracted from contents as admitted by the Examiner in the Office action. The Office action states that Dean teaches the reproducing procedure is selected based on meta information extracted from the contents, since Dean discusses metadata for defining the output function. However, the metadata 93 disclosed in Dean does not contain type of the contents being reproduced, but merely may include color, luminance, and brightness information (Dean; column 4, lines 32-34). There is no disclosure in Dean that the metadata 93 contains type of the contents being reproduced. Therefore, claims 9 and 11 should be allowable, regardless of the allowability of claims 1 and 5.

Regarding new claims 13-14, neither Tagawa nor Dean, alone or in combination, discloses, teaches or renders foreseeable that the reproducing procedure is selected based on type of the contents being reproduced.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Appl. No. 10/599,000
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If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No.: NGB-41245.

Respectfully submitted,

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